UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VIII
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JAN 23 1998

ENF-L

Larry Jensen, Esq.
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RE: East Helena Superfund Site

Dear Mr. Jensen:

The purpose of this letter is to identify items that will be addressed in the coming months in an Explanation of Significant Differences (ESD) to amend the November 22, 1989 Process Ponds Record of Decision (ROD) for the East Helena Superfund site. The United States Environmental Protection Agency (EPA) appreciates Asarco's concern about memorializing changes to the ROD since the first ESD in June of 1993, and will make every effort to complete the second ESD in a prompt fashion. The timing of the second ESD hinges, to some extent, on the successful entry of the RCRA consent decree that has been negotiated between EPA and Asarco. If the consent decree is not finalized for some reason, then EPA will need to rethink its options for finalizing work associated with the Process Ponds.

As we discussed during our telephone call on January 15, 1998, there are five items that will be addressed in the upcoming ESD: 1) treatment methods for Lower Lake water; 2) treatment standards for Lower Lake water; 3) storm water management; 4) disposition of Lower Lake sediments; and 5) disposition of soils and sediments located between Upper Lake and Lower Lake. Following is a brief description of the specific changes that will be identified in the second ESD.

1. Treatment Methods for Lower Lake

The ROD identifies in situ treatment as the method by which Lower Lake water would be cleaned up. Pursuant to the ROD, Asarco has performed a series of tests of the in situ treatment technology. Results were mixed. During this time, Asarco constructed a water treatment facility (the High Density Sludge or HDS facility) primarily for the purpose of treating acid plant water. Asarco then proposed using the HDS facility to treat Lower Lake water. EPA responded by asking Asarco to obtain an MPDES discharge permit for discharges from the HDS facility. Asarco has obtained an MPDES permit. EPA believes the HDS facility or other water treatment facilities have the capability to meet or exceed the efficiency of in situ technology. The ESD will therefore indicate that Lower Lake may be cleaned up via a water treatment

facility capable of meeting cleanup objectives. EPA is not inclined to identify the HDS facility specifically, since the current facility may be modified or be replaced over time.

2. Treatment Standards for Lower Lake

The ROD identifies a series of treatment standards for several constituents in Lower Lake. The MPDES permit obtained by Asarco identifies a different set of standards. Additional evaluation is necessary to finally determine which of the identified standards are most appropriate for treatment of Lower Lake water. The schedule for final cleanup of Lower Lake must also be reevaluated. EPA believes that the development of treatment standards and the treatment schedule should occur through the RCRA corrective action process. This decision will, therefore, be reflected in the ESD and no additional CERCLA activities will be required.

3. Storm Water Management

The ROD set forth a number of requirements for managing storm water runoff to ensure it would not reach the Process Ponds. In meetings with EPA and State Superfund and Water Quality Division (WQD) staff in 1995, Asarco demonstrated that the flow of storm water from the plant would not reach Lower Lake. The focus was then shifted to situations in which storm water runoff could reach Prickly Pear Creek. In early 1996, Asarco met with WQD to discuss options for managing storm water runoff. Since that time, Asarco has implemented an extensive storm water system improvement project pursuant to its storm water permit, under the direction of the WQD. EPA believes that plant storm water is most appropriately managed through the state storm water runoff permit program, and therefore plans to eliminate all storm water management requirements identified in the ROD.

4. Disposition of Lower Lake Sediments

Sediments excavated from Lower Lake are currently located in the Lower Lake sludge stockpile. As an interim measure, Asarco has placed a large tarp over the stockpile and initiated other run-on and run-off controls. The ROD identifies smelting of the sediments as the preferred remedy. Asarco has proposed to permanently dispose of the sediments in an on-site landfill as part of RCRA corrective action measures. The ESD will indicate that disposition of the sediments will be addressed through the RCRA process, and there will be no additional CERCLA requirements for these materials.

5. Disposition of Soils and Sediments Between Upper and Lower Lake

The 1993 ESD identified the acid plant sediment drying pad and underlying soils, located between Upper and Lower Lakes, as a source of arsenic for Lower Lake. Consequently, the ESD called for the removal of contaminated sediments and soils in this area. In

1996, Asarco collected soil samples from beneath the drying pad to determine if arsenic and metals leachate concentrations were sufficiently low to defer excavation of soils from beneath the pad. EPA and the state reviewed the sampling results and concurred in the deferral of the planned excavation. Additional evaluation of the pad and underlying soils is required before a final determination can be made. The ESD will identify the RCRA corrective action process as the most appropriate vehicle for performing the additional evaluation and any necessary excavation. There will be no additional CERCLA requirements for these materials.

If you have any questions about the contemplated changes to the ROD that are identified above, please do not hesitate to contact me at (303) 312-6925.

Sincerely,

Colleen R. Dahl for

Suzanne J. Bohan
Enforcement Attorney

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